IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.9.2006

CORAM

THE HON'BLE MR.JUSTICE P.JYOTHIMANI

WRIT PETITION Nos.36703 to 36707 of 2006 and
M.P.Nos.1 of 2006

1.N.Daniel Raj .... Petitioner in W.P.No.36703 of 2006
2.K.Murugesan .... Petitioner in W.P.No.36704 of 2006
3.N.Subbulakshmi .... Petitioner in W.P.No.36705 of 2006
4.M.Lakshmi .... Petitioner in W.P.No.36706 of 2006
5.R.Ponnusamy .... Petitioner in W.P.No.36707 of 2006

vs

1.Tamil Nadu Housing Board
Rep. by its Chairman
Nandanam,
Chennai-600 035.

2.The Executive Engineer and
Administrative Officer,
Tamil Nadu Housing Board,
Periyar Nagar, Gandhiji Road,
Erode-638 001. .... Respondents in all Wps.

Writ Petitions filed under Article 226 of the Constitution of India praying this Court to issue Writ of Mandamus directing the respondents to receive the cost and interest as fixed by the Tamil Nadu Housing Board Resolution No.9.04 dated 18.11.2003 for the LIG houses bearing Nos.L.44,398,518,336,328 respectively, in Periyar Nagar Housing Scheme, Erode-638 001 and to execute the sale deed in favour of the petitioner.

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For petitioner :Mr.S.Anbalagan
For respondents :Mr.R.Giri Das for TNHB

ORDER

These petitions are filed for a direction against the respondents to receive the cost and interest as fixed by the Tamil Nadu Housing Board in its proceedings dated 18.11.2003 for the LIG houses bearing Nos.L.44,398,518,336,328 respectively, and execute

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sale deeds infavour of the petitioners. By communication dated 30.8.2005, based on the resolution No.9.04, dated 18.11.2003, the Tamil Nadu Housing Board has resolved to collect urban land tax at the rate of 12% per annum. As per the resolution, the communication also states that such amount will be received and document will be executed, provided the case is withdrawn by the association. It is the case of the petitioner that the association has already filed W.P.No.8255/2001 which is filed by Erode Periyar Nagar Kudiyiruppore Nalam Nadum Sangam for a direction against the respondents to execute sale deeds in favour of the members of the said association, by collecting the amounts mentioned in the letter dated 12.4.2001. It is stated that this writ petition is pending. The petitioners have subsequently stated in the affidavit filed in support of the present writ petition that they are prepared to file individual affidavits that they are not claiming the benefits of the Judgement of this Court in W.P.No.8255 of 2001 filed by Erode Periyar Nagar Kudiyiruppor Nalam Nadum Sangam wherein the petitioners are also members.

2.Heard the learned counsel for the petitioners as also the learned Government Advocate, who has taken notice on behalf of the respondents.

3. Learned Government Advocate submits that the respondents would work out the amount due to the respondents from the petitioners individually and the petitioners may be directed to pay the said amount and on payment of which the registration will be effected. Learned Government Advocate would also fairly submit that as admitted by the petitioners in the affidavit, the petitioners may also be directed to file affidavits before the respondents stating that they are not claiming the benefits of the order that may be passed in W.P.No.8255 of 2001 filed by Erode Periyar Nagar Kudiyiruppor Nalam Nadum Sangam. After filing the said affidavits, the second respondent shall calculate the amount due from the petitioners and intimate the same to the petitioners and on the petitioners paying the said amount, the second respondent shall execute the sale deeds respectively in respect of the petitioners regarding the LIG houses bearing Nos.L.44,398,518,336,328 respectively and such execution shall be made within a period of four weeks from the date of the petitioners paying the amount due, as per the directions of the second respondent. No costs. Consequently, Connected miscellaneous petitions are closed.

Sd/
Asst.Registrar

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Sub Asst.Registrar

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To

1.The Chairman, Tamil Nadu Housing Board
Nandanam,Chennai-600 035.

2.The Executive Engineer and Administrative Officer,
Tamil Nadu Housing Board,
Periyar Nagar, Gandhiji Road,
Erode-638 001.

+5ccs to Mr.S.Anbalagan Advocate Sr 46242

MKJ (CO)
km/5.10.

W.P.Nos.36703 to 36707 of 2006

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